

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NMT Medical, Inc. and Children's
Medical Center Corporation

Civil No. 04-cv-04200 (JNE/SRN)

Plaintiffs,

v.

**CONSENT JUDGMENT AND ORDER
OF DISMISSAL**

Cardia, Inc.,

Defendant.

It is on this _____ day of _____, 2008,

AGREED and ORDERED as follows:

The parties consent to judgment in the above-entitled matter as follows:

1. Judgment is entered against Cardia and in favor of Plaintiffs in the amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), subject to reduction in accordance with paragraph 3.

2. Cardia shall pay to NMT according to the following schedule on or before the date indicated:

September 30, 2008	\$500,000
December 15, 2008	\$500,000
March 31, 2009	\$375,000
June 30, 2009	\$375,000
September 30, 2009	\$250,000
December 15, 2009	\$250,000

3. The judgment will be reduced and deemed satisfied to the extent of each payment made.

4. The parties hereby stipulate, pursuant to Rule 41 of the Federal Rules of Civil Procedure, to dismissal of the above-entitled matter with prejudice and on the merits. Each party shall bear its own costs and fees. All rights of appeal are hereby waived.

5. The Court shall retain jurisdiction for the purpose of enforcement of this Judgment.

NMT MEDICAL, INC.

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CHILDREN'S MEDICAL CENTER CORPORATION

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CARDIA, INC.

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Dated: May 9, 2008

SO ORDERED:

s/ Joan N. Erickson
Joan N. Erickson
Judge of U.S. District Court

